

## 2013 DRAFTING REQUEST

### Bill

Received: **9/20/2013** Received By: **rkite**  
Wanted: **As time permits** Same as LRB:  
For: **Dianne Hesselbein (608) 266-5340** By/Representing: **Sue Meinholz**  
May Contact: Drafter: **rkite**  
Subject: **Nat. Res. - nav. waters** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Hesselbein@legis.wisconsin.gov**  
Carbon copy (CC) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Regulation of rafting outfitters

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#### Instructions:

See attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 10/2/2013			_____			
/P1	rkite 10/18/2013	csicilia 10/16/2013	rschlue 10/16/2013	_____	mbarman 10/16/2013		
/1	rkite 10/25/2013	csicilia 10/18/2013	jfrantze 10/18/2013	_____	mbarman 10/18/2013	lparisi 10/21/2013	
/2		csicilia	jfrantze	_____	srose	srose	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		10/28/2013	10/28/2013	_____	10/28/2013	10/28/2013	

FE Sent For:

Not Needed

&lt;END&gt;

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/1		csicilia 10/18/2013	jfrantze 10/18/2013		mbarman 10/18/2013	lparisi 10/21/2013	

FE Sent For:

12 yjs 10/28  
 13  
 <END> 10/28

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FE Sent For:

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May Contact:

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## Pre Topic:

No specific pre topic given

## Topic:

Regulation of rafting outfitters

## Instructions:

See attached

## Drafting History:

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/?	rkite						
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FE Sent For:

1 gjs 10/18 10/18  
13 <END>

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 Carbon copy (CC) to:

## Pre Topic:

No specific pre topic given

## Topic:

Regulation of rafting operators ~ outfitters

## Instructions:

See attached

## Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/? rkite

1/01 gjs 10/16  
13

<END>

**Kite, Robin**

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**From:** Meinholz, Susan  
**Sent:** Thursday, September 19, 2013 2:04 PM  
**To:** Kite, Robin  
**Subject:** RE: Regulation of rafting operations

Hi Robin:

Will you still be working on the draft for our rafting legislation? If so, we're ready to proceed. Here's an overview on what we are looking at, and it is going to be very specific to the one location on the Wolf River. After researching the other Class IV rapids throughout the state that we are aware of, and any rafting outfitters, there really is only one location that needs some attention, and that is the place where Lina drowned.

1. Legislation would pertain to rafting outfitters on the Wolf River in Menominee County who provide trips that include Big Smoky Falls
2. Outfitters required to provide helmets to all rafters
3. When river flow at the USGS Water Data site for Langlade, WI registers at 900 cfs or greater, no rafting operations allowed which include Big Smoky Falls {website: [http://waterdata.usgs.gov/wi/nwis/uv?site\\_no=04074950](http://waterdata.usgs.gov/wi/nwis/uv?site_no=04074950)}
4. When river flow at the USGS Water Data site for Langlade, WI registers 700-899 cfs, outfitters provide an on-site lookout at Big Smoky Falls who will be instructed on directing rafters out of the dangerous flow, and capable of contacting emergency responders immediately if necessary.

Let me know if you have any questions or need further clarification.

Thank you,

Sue

---

**From:** Kite, Robin  
**Sent:** Tuesday, July 16, 2013 1:45 PM  
**To:** Meinholz, Susan  
**Subject:** Regulation of rafting operations

Sue:

I wanted to let you know that I will be handling your proposed legislation with regard to the regulation of rafting operations. Lis Shea, to whom your previous emails were directed, is now on leave until the middle of September. I will be able to attend the meeting that you have scheduled for July 23<sup>rd</sup> at 3:00. Let me know if you need anything before that date.

Robin

-----  
Robin N. Kite  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
1 E. Main St., Suite 200  
Madison, WI 53703

**Kite, Robin**

---

**From:** Meinholz, Susan  
**Sent:** Tuesday, October 01, 2013 11:59 AM  
**To:** Kite, Robin  
**Subject:** RE: Cubic Feet per Second

I thought you didn't have a problem so much with cfs, but was confident whatever concerns you had, this guy could answer. So, when the shutdown is over, if you still have questions, feel free to get in touch with him. He was receptive (and I'm impressed he took the initiative to reply back this morning!).

---

**From:** Kite, Robin  
**Sent:** Tuesday, October 01, 2013 11:40 AM  
**To:** Meinholz, Susan  
**Subject:** RE: Cubic Feet per Second

Thanks, Sue. I think perhaps I didn't do a good job of explaining my drafting dilemma. I do understand what "cubic feet per second" means. The problem concerns the information on the federal website and the fact that the website itself is not very user friendly for the average person. So I will prepare the draft in preliminary form as a starting point and then if further drafting is required we can work on refining the language.

Thanks again.  
Robin

---

**From:** Meinholz, Susan  
**Sent:** Tuesday, October 01, 2013 11:36 AM  
**To:** Kite, Robin  
**Subject:** FW: Cubic Feet per Second

It sounds like you and Rob didn't get a chance to connect yesterday. He sent this to us this morning if it's helpful to you.

**From:** Waschbusch, Robert [<mailto:rjwaschb@usgs.gov>]  
**Sent:** Tuesday, October 01, 2013 9:52 AM  
**To:** Rep.Hesselbein  
**Subject:** Cubic Feet per Second

I got a call yesterday asking for some help with the term cubic feet per second. As I'm sure you know the federal govt. is being shut down today so I won't be able to help you until this gets resolved. In the interim, here is a definition that may be helpful.

<http://ga.water.usgs.gov/edu/dictionary.html#C>

**cubic feet per second (cfs)**--a rate of the flow, in streams and rivers, for example. It is equal to a volume of water one foot high and one foot wide flowing a distance of one foot in one second. One "cfs" is equal to 7.48 gallons of water flowing each second. As an example, if your car's gas tank is 2 feet by 1 foot by 1 foot (2 cubic feet), then gas flowing at a rate of 1 cubic foot/second would fill the tank in two seconds.



Rob Waschbusch  
US Geological Survey  
8505 Research Way  
Middleton, WI 53562-3581

phone: (608) 821-3868  
fax: (608) 821-3817  
email: [rjwaschb@usgs.gov](mailto:rjwaschb@usgs.gov)  
web page: <http://wi.water.usgs.gov/>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3208/

RNK: /.....

pl  
Ljs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

In  
10/2

Note

ConLat

LPS:

please  
fix  
topic line  
in request  
sheet as  
shown  
on request  
sheet

1 AN ACT ...; relating to: regulating rafting outfitters.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 30.627 of the statutes is created to read:

3 **30.627 Regulation of certain rafting outfitters.** (1) In this section "rafting  
4 outfitter" means a person who operates an establishment that provides rafts or other  
5 nonmotorized boats for travel on the Wolf River in Menominee County for a fee.

6 (2) Every rafting outfitter who furnishes a raft or other nonmotorized boat for  
7 travel through Big Smokey Falls on the Wolf River in Menominee County shall do  
8 all of the following:

9 (a) Furnish a helmet to each occupant of the raft or other nonmotorized boat.

1 (b) Station an employee at Big Smokey Falls at any time that the U.S.  
2 geological survey's national water information system for Langlade County  
3 measures the flow of the Wolf River at between 700 and 900 cubic feet per second. ✓

4 (3) Every rafting operator who is required to station an employee at Big  
5 Smokey Falls under sub. (2) shall ensure that the <sup>stationed</sup> employee is trained to safely direct  
6 travelers through Big Smokey Falls and ~~shall furnish the employee with~~ <sup>has</sup> all of the  
7 information required to enable the <sup>stationed</sup> employee to immediately contact rescue  
8 personnel in the event of an emergency.

9 (END)

d-note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3208/?dn

RNK: f.....

gjs

*- late -*

This draft is in preliminary form. The draft requires rafting outfitters that provide rafts or other nonmotorized boats for use on the Wolf River in Menominee County to furnish helmets to each occupant. The draft does not require the rafters to use the helmets. Is this consistent with your intent? Also, did you want to further limit the requirements so that they only apply to outfitters that supply inflatable rafts? As drafted, the requirements would also apply to outfitters who supply canoes, kayaks, and other types of nonmotorized boats. ✓

The draft also requires a rafting outfitter to station an employee at Big Smokey Falls under certain circumstances. With respect to this requirement, please note the following: ✓

1. The draft does not require the rafting outfitter to be stationed at a particular place but, rather, "at" the falls. You may wish to be more specific on this issue. ✓
2. The draft does not impose any specific requirements on the employee stationed at the falls. Do you want to impose any requirements on the employee? ✓
3. The draft does not specify any penalties for a rafting operator who violates the provisions of the draft. Consequently, the general penalties under current law would apply to a violation. Section 30.80 (1), stats., provides for a forfeiture of not more than \$50 for a first offense and not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year. Do you want to provide for different penalties in this draft. ✓
4. I recommend that you have the appropriate expert at DNR or the U.S. geological survey review this draft to ensure that the language with regard to measuring the flow of the Wolf River is accurate and sufficiently descriptive to put a rafting outfitter on notice of his or her obligation should the provisions of this draft become law. ✓

Please let me know if you have any questions about this draft.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3208/P1dn  
RNK:cjs:rs

October 16, 2013

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4. I recommend that you have the appropriate expert at DNR or the U.S. geological survey review this draft to ensure that the language with regard to measuring the flow of the Wolf River is accurate and sufficiently descriptive to put a rafting outfitter on notice of his or her obligation should the provisions of this draft become law.

Please let me know if you have any questions about this draft.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**Kite, Robin**

---

**From:** Meinholz, Susan  
**Sent:** Thursday, October 17, 2013 5:19 PM  
**To:** Kite, Robin  
**Subject:** LRB 3208

Answers to your questions in the drafter's note:

Yes to only applying to outfitters who supply inflatable rafts.

1. We're good with the location "at" the falls.
2. No requirements on the employee. Your wording in the legislation is perfect, to safely direct travelers.
3. No for further fines.
4. I will definitely run it past DNR and USGS, but can go ahead and create it as /1 for now.

Thank you!

I will be out of the office Friday, but will check my emails.

Sue Meinholz  
Office of Rep. Dianne Hesselbein  
79<sup>th</sup> Assembly District  
Room 9 North, State Capitol  
PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)



5000  
State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3208/PT  
RNK:cjs:rs

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

2013 BILL

In  
10/18

Gen Cat

AN ACT *to create* 30.627 of the statutes; **relating to:** regulating rafting  
outfitters.

***Analysis by the Legislative Reference Bureau***

~~This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.~~

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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**30.627 Regulation of certain rafting outfitters.** (1) In this section "rafting  
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nonmotorized boats for travel on the Wolf River in Menominee County for a fee.

(2) Every rafting outfitter who furnishes a raft or other nonmotorized boat for  
travel through Big Smokey Falls on the Wolf River in Menominee County shall do  
all of the following:

1 (a) Furnish a helmet to each occupant of the raft or other nonmotorized boat.

2 (b) Station an employee at Big Smokey Falls at any time that the U.S.  
3 geological survey's national water information system for Langlade County  
4 measures the flow of the Wolf River at between 700 and 900 cubic feet per second.

5 (3) Every rafting ~~operator~~ <sup>outfitter</sup> who is required to station an employee at Big  
6 Smokey Falls under sub. (2) shall ensure that the stationed employee is trained to  
7 safely direct travelers through Big Smokey Falls and has all of the information  
8 required to enable the stationed employee to immediately contact rescue personnel  
9 in the event of an emergency.

10 (END)



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3208/lins.  
RNK:.....

INSERT ANALYSIS

for travel

This bill imposes requirements on rafting outfitters who furnish rafts or other nonmotorized boats through Big Smokey Falls on the Wolf River in Menominee County. Under the bill, such rafting outfitters must furnish a helmet to each occupant of the raft or boat and station an employee at Big Smokey Falls when the flow of the Wolf River measures at between 700 and 900 cubic feet per second. The bill also requires the rafting outfitter to ensure that the stationed employee is trained to safely direct travelers through Big Smokey Falls and has information required to enable the employee to immediately contact rescue personnel in the event of an emergency.

9/11

**Parisi, Lori**

---

**From:** Meinholz, Susan  
**Sent:** Monday, October 21, 2013 10:53 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3208/1 Topic: Regulation of rafting outfitters

Please Jacket LRB -3208/1 for the ASSEMBLY.

**Kite, Robin**

---

**From:** Meinholz, Susan  
**Sent:** Friday, October 25, 2013 2:08 PM  
**To:** Kite, Robin  
**Subject:** LRB-3208/1

Hi Robin:

I realize I did not closely review the draft before asking for it to be jacketed. I now notice there are a couple of items that need to be corrected. Sorry for this.

1. The legislation should pertain only to those outfitters of inflatable rafts
2. Rafting outfitters shall not allow travel once the river flow is measured at over 900 cfs

Thank you very much.

Sue Meinholz  
Office of Rep. Dianne Hesselbein  
79<sup>th</sup> Assembly District  
Room 9 North, State Capitol  
PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3208/1

RNK:cjs:jf

stays

2013 BILL

In  
10/25

Ger Cat

1 AN ACT to create 30.627 of the statutes; relating to: regulating rafting  
2 outfitters.

certain

*Analysis by the Legislative Reference Bureau*

provide inflatable

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nonmotorized boats for travel through Big Smokey Falls on the Wolf River in  
Menominee County. Under the bill, such rafting outfitters must furnish a helmet to  
each occupant of the raft ~~at any~~ and station an employee at Big Smokey Falls when  
the flow of the Wolf River measures at between 700 and 900 cubic feet per second.  
The bill also requires the rafting outfitter to ensure that the stationed employee is  
trained to safely direct travelers through Big Smokey Falls and has all information  
required to enable the employee to immediately contact rescue personnel in the event  
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*The people of the state of Wisconsin, represented in senate and assembly, do  
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5 outfitter" means a person who operates an establishment that provides <sup>inflatable</sup> rafts ~~or other~~  
6 nonmotorized boats for travel on the Wolf River in Menominee County for a fee.

no! The bill also prohibits a rafting outfitter from providing  
a raft for travel down the Wolf River when the flow of  
the river measures at 900 cubic feet per second or more.

## BILL

## SECTION 1

provides an  
inflatable

(2) Every rafting outfitter who ~~furnishes a raft or other nonmotorized boat~~ for travel through Big Smokey Falls on the Wolf River in Menominee County shall do all of the following:

(a) Furnish a helmet to each occupant of the raft ~~or other nonmotorized boat~~.

(b) Station an employee at Big Smokey Falls at any time that the U.S. geological survey's national water information system for Langlade County measures the flow of the Wolf River at between 700 and 900 cubic feet per second.

(4) (3) Every rafting outfitter who is required to station an employee at Big Smokey Falls under sub. (2) shall ensure that the stationed employee is trained to safely direct travelers through Big Smokey Falls and has all of the information required to enable the stationed employee to immediately contact rescue personnel in the event of an emergency.

(END)

(B)  
⑨ (3) No rafting outfitter may provide an inflatable <sup>raft</sup> for travel on the Wolf River in Menominee County when the U.S. geological survey's national water information system for Langlade County measures the flow of the Wolf River at ~~between 700 and 900~~ 900 cubic feet per second or more.